

**CLAIMS AMENDMENT:**

Please amend the claims as follows:

**Claims:**

I Claim:

1. (currently amended) A combined headband and ponytail retaining device, said device including:
- a. a substantially cylindrical band portion
  - b. said cylindrical band portion having a continuous circumference and a width
  - c. said circumference being stretchable so as to allow placement of said device around the head of a wearer
  - d. said cylindrical band portion incorporating ~~an~~ a substantially elongated opening
  - e. said opening being of a dimension to allow the wearer's ~~hair~~ ponytail to be pulled through said opening
  - f. said headband and ponytail retaining device being contained entirely within said circumference and said width
  - g. said opening being of a dimension to hold the wearer's ponytail snugly
  - h. said opening being of a dimension to avoid bunching wearer's hair into a small, kink-forming diameter

~~whereby the headband can be used as a combined headband and ponytail retaining device.~~ whereby the combined headband and ponytail retaining device can be worn comfortably during a variety of activities and occasions.

2. (currently amended) The device of claim 1 wherein said elongated opening is ~~created~~ incorporated into said cylindrical band portion by means of a slit ~~by making an elongated slit created directly~~ in the material of the cylindrical band portion with said slit being substantially parallel to the circumference of said cylindrical band.

3. (canceled) The device of claim 1 wherein said opening is created by attaching two ends of a substantially rectangular band of material to two regions along the circumference of the cylindrical band portion.

4. (canceled) A method of wearing a headband with an opening along its band, said method including

- a. placing the headband around the head of the wearer in the manner of an ordinary headband
  - b. reaching into the opening of the headband
  - c. pulling the hair of a wearer through the opening of the headband thus constraining the hair of the wearer within the opening of the headband
- whereby the headband can be used as a ponytail retainer.

5. (currently amended) A method of wearing a substantially cylindrical neck warmer, said method including:

- a. wearing the neck warmer around the neck with an elongated opening in the neck warmer positioned at the back of the wearer's neck
- b. reaching through the opening and pulling the wearer's hair through the opening

whereby the neck warmer can also double as a ponytail retainer.